

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION**

UNITED STATES OF AMERICA	§	Civil Action No. 4:15-cv-662
<i>ex rels.</i> Michael J. Fisher and Michael Fisher,	§	
Individually, Douglas Albro and Douglas	§	
Albro, Individually, Paris Smith and Paris	§	FILED UNDER SEAL
Smith, Individually, Shaun Schimmelman and	§	
Shaun Schimmelman, Individually, Maria	§	PURSUANT TO 31 U.S.C §§ 3729-3732
Borse and Maria Borse, Individually.	§	(FEDERAL FALSE CLAIMS ACT)
	§	
Plaintiffs/Relators,	§	
	§	
v.	§	JURY TRIAL DEMANDED
	§	
Nationstar Mortgage, LLC and Nationstar	§	
Mortgage Holdings, Inc. (NYSE: NMS),	§	
	§	
Defendants.	§	

NOTICE OF ELECTION TO DECLINE TO INTERVENE

Pursuant to the False Claims Act, 31 U.S.C. § 3730(b)(4)(B), the United States of America (“United States” or “Government”) hereby notifies the Court of its decision not to intervene in this action.

Although the United States declines to intervene, the Government respectfully refers the Court to 31 U.S.C. § 3730(b)(1), which allows the relator to maintain the action in the name of the United States; providing, however, that the “action may be dismissed only if the court and the Attorney General give written consent to the dismissal and their reasons for consenting.” *Id.* Therefore, the United States requests that, should the relators or the defendant propose that this action be dismissed, settled, or otherwise discontinued, this Court solicit the written consent of the United States before ruling or granting its approval.

Furthermore, pursuant to 31 U.S.C. § 3730(c)(3), the United States requests that all

pleadings and briefs filed in this action be served upon the United States; the United States also requests that orders issued by the Court be sent to counsel for the Government. The United States reserves its right to order any deposition transcripts, to intervene in this action, for good cause, at a later date, and to seek the dismissal of the relators' action or claims under 31 U.S.C. § 3730(e)(4).

The United States also requests that it be served with any notices of appeal.

Finally, the Government requests that the relators' Complaint, this Notice, and the attached proposed Order be unsealed thirty days after the date of this Notice. The United States requests that all other papers on file in this action remain under seal because in discussing the content and extent of the United States' investigation, such papers are provided by law to the Court alone for the sole purpose of evaluating whether the seal and time for making an election to intervene should be extended.

A proposed order accompanies this notice.

Dated: June 2, 2016

Respectfully submitted,

BENJAMIN C. MIZER
Principal Deputy Assistant Attorney General
Civil Division

JOHN M. BALES
United States Attorney

/s/ James Gillingham
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ATTORNEYS FOR THE
UNITED STATES OF AMERICA

CERTIFICATE OF SERVICE

I hereby certify on this 2nd day of June 2016, I caused a copy of this notice to be served on Relator's counsel through certified mail, return-requested, at the following addresses:

Mr. Sam Boyd
Boyd & Associates, Suite 600
6440 N. Central Expressway
Dallas, TX 75206-4163

Because this action is under seal pursuant to 31 U.S.C. §§ 3729-3733, Defendants have not been served with copies of the foregoing filing.

/s/ James Gillingham
JAMES GILLINGHAM